

Combined Declaration and Power of Attorney for Patent Application

Docket Number: 00166.0096.US00

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **System, Method and Apparatus for Filling Containers**, the specification of which is attached hereto unless the following box is checked:

- was filed on August 22, 2000;
as United States Application Number or PCT International Application Number 09/642,666; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

Yes No
(Application No.) (Country) (Day/Month/Year Filed)

Yes No
(Application No.) (Country) (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application No.) (Filing Date)

(Application No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

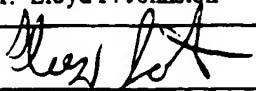
Paul J. Berman, Reg. No. 36,744	Andrea G. Reister, Reg. No. 36,253
Jeannie M. Perron, Reg. No. 31,180	Thomas W. Krause, Reg. No. 40,335
Richard P. Dulik, Reg. No. 40,598	Ann O. McGeehan, Reg. No. 45,839
Grady L. White, Reg. No. 40,874	Henry P. Ting, Reg. No. 46,278

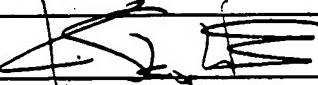
Send Correspondence to:

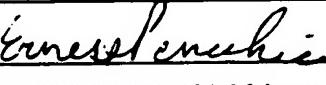
Andrea G. Reister, Esq.
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
Faxsimile: (202) 778-5141

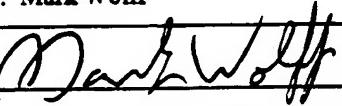
Direct Telephone Calls to: (202) 662-5141

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Lloyd P. Johnston
Inventor's Signature 
Date: 15 Nov 00
Residence: 32 Winslow Road, Belmont, Massachusetts 02478
Citizenship: Canadian
Post Office Address: 32 Winslow Road, Belmont, Massachusetts 02478

Full name of second inventor: Kevin Stapleton
Second Inventor's Signature 
Date: 15 Nov 00
Residence: 266 Shawmut Avenue, #3, Boston, Massachusetts 02118
Citizenship: Canadian
Post Office Address: 266 Shawmut Avenue, #3, Boston, Massachusetts 02118

Full name of third inventor: Ernest Penachio
Third Inventor's Signature 
Date: 15 Nov 00
Residence: 22 West Wyoming Avenue, Apt. #24, Melrose, Massachusetts 02176
Citizenship: United States
Post Office Address: 22 West Wyoming Avenue, Apt. #24, Melrose, Massachusetts 02176

Full name of fourth inventor: Mark Wolff
Third Inventor's Signature 
Date: 15 Nov 00
Residence: 53 Gardner Street, Apt. #1, Allston, Massachusetts 02134
Citizenship: United States
Post Office Address: 53 Gardner Street, Apt. #1, Allston, Massachusetts 02134

POWER OF ATTORNEY FROM ASSIGNEE

Advanced Inhalation Research, Inc, a corporation of Pennsylvania, having a principal place of business at 840 Memorial Drive, Cambridge, Massachusetts 02139, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on 15 Nov 2000 of an invention known as **System, Method and Apparatus for Filling Containers** (Attorney Docket No. 00166.0096.US00), which is disclosed and claimed in a patent application of the same title by the inventors Lloyd P. Johnston, Kevin Stapleton, Ernest Penachio, and Mark Wolff (said application filed on August 22, 2000, at the U.S. Patent and Trademark Office, having Application Number 09/642,666).

The Assignee hereby appoints the following U.S. attorneys, and the entire firm of Covington & Burling as its attorneys, to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith:

Paul J. Berman, Reg. No. 36,744

Andrea G. Reister, Reg. No. 36,253

Jeannie M. Perron, Reg. No. 31,180

Thomas W. Krause, Reg. No. 40,335

Richard P. Dulik, Reg. No. 40,598

Ann O. McGeehan, Reg. No. 45,839

Grady L. White, Reg. No. 40,874

Henry P. Ting, Reg. No. 46,278

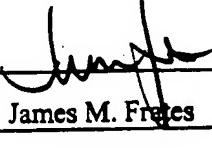
The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

Andrea G. Reister
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

Direct phone calls to 202-662-6000
Facsimile: 202-662-6291

FOR: Advanced Inhalation Research, Inc.

SIGNATURE: 

BY: James M. Fraes

TITLE: Vice-President

DATE: 11/16/00

Certificate Under 37 C.F.R. § 3.73(b)

Applicants: Johnston, et al.

Application No.: 09/642,666

Filed: August 22, 2000

For: System, Method and Apparatus for Filling Containers

Advanced Inhalation Research, Inc., a

(Name of Assignee)

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either.

A. An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[or]

B. A chain of title from the inventor(s) of the patent application identified above to the current assignee as show below:

1. From: _____ to _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ to _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ to _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

To the best of the undersigned's knowledge and belief, title of the patent application identified above is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful, false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11/11/00

Name: James M. Frates

Title: Vice-President

Signature: J. M. Frates

ASSIGNMENT

WHEREAS, we, Lloyd P. Johnston, being a citizen of Canada; Kevin Stapleton, being a citizen of Canada; Ernest Penachio, being a citizen of the United States; and Mark Wolff, being a citizen of the United States, residing at 32 Winslow Road, Belmont, Massachusetts 02478; 266 Shawmut Avenue, #3, Boston, Massachusetts 02118; 22 West Wyoming Avenue, Apt. #24, Melrose, Massachusetts 02176; and 53 Gardner Street, Apt. #1, Allston, Massachusetts 02134, respectively, have made new and useful improvements in **System, Method and Apparatus for Filling Containers**, for which an application for Letters Patent of the United States was filed on August 22, 2000, as Application No. 09/642,666.

WHEREAS, Advanced Inhalation Research, Inc., having a place of business at 840 Memorial Drive, Cambridge, Massachusetts 02139, and who, together with its successors and assigns ("Assignee") is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited.

NOW, THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said application for Letters Patent of the United States, including all claims, if any, for infringement prior to the date of this assignment, the inventions and discoveries described therein, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

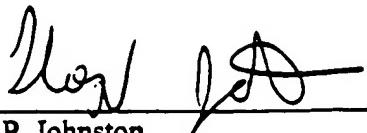
2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in our name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance.

5. Bind our heirs, legal representatives, and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in our control or in the control of our heirs, legal representatives, or assigns which may be useful for establishing the facts of our conception, disclosures, and reduction to practice of said inventions and discoveries; and to testify as to the same in any interference or other litigation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of
_____, 2000.



Lloyd P. Johnston

STATE OF
COUNTY OF

SS:

On this 15 day of November, 2000, before me personally appeared Lloyd P. Johnston, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me to have executed the foregoing instrument, and who duly acknowledged to me to have executed the same for the purpose therein set forth.

(SEAL)



NOTARY PUBLIC

My Commission Expires:

CLAIRES M. VASIOS
NOTARY PUBLIC
MY COMMISSION EXPIRES
SEPTEMBER 10, 2004

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of
_____, 2000.



Kevin Stapleton

STATE OF
COUNTY OF

SS:

On this 15 day of November, 2000, before me personally appeared Kevin Stapleton, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me to have executed the foregoing instrument, and who duly acknowledged to me to have executed the same for the purpose therein set forth.

(SEAL)


NOTARY PUBLIC

My Commission Expires:

CLAIREE M. VASIOS
NOTARY PUBLIC
MY COMMISSION EXPIRES
SEPTEMBER 10, 2004

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of
_____, 2000.

Ernest Penachio

Ernest Penachio

STATE OF
COUNTY OF

SS:

On this 15 day of November, 2000, before me personally appeared Ernest Penachio, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me to have executed the foregoing instrument, and who duly acknowledged to me to have executed the same for the purpose therein set forth.

(SEAL)

Claire M. Vasio
NOTARY PUBLIC

My Commission Expires:

CLAIRES M. VASIOS
NOTARY PUBLIC
MY COMMISSION EXPIRES
SEPTEMBER 10, 2004

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of
_____, 2000.

Mark Wolff

STATE OF
COUNTY OF

SS:

On this 15 day of November, 2000, before me personally appeared Mark Wolff, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me to have executed the foregoing instrument, and who duly acknowledged to me to have executed the same for the purpose therein set forth.

(SEAL)

Claire M. Vasios
NOTARY PUBLIC

My Commission Expires:

CLAIREE M. VASIOS
NOTARY PUBLIC
MY COMMISSION EXPIRES
SEPTEMBER 10, 2004